

Commonwealth of Massachusetts

BERKSHIRE, ss.

SUPERIOR COURT

CIVIL ACTION

No.

Michael A. Deep

U.S. DISTRICT COURT
DISTRICT OF MASS.
Plaintiff(s)

City of North Adams; John Barrett, Mayor; North Adams Planning Board;
 Michael Leary; Paul Hopkins; William Schrade; Joseph Gniadek; Paul Senecal;
 David Babcock; Edna Rudnick; Kyle Hanlon; & Wayne
 Wilkinson as Members of The North Adams Planning Board; and
 Katherine Eade Administrative Officer of the City of North Adams

Defendant(s)

SUMMONS

To the above-named Defendant: Michael Leary

You are hereby summoned and required to serve upon Fred T. Thompson,

plaintiff's attorney, whose address is 66 Summer Street, North Adams, MA 01247.

an answer to
 the complaint which is herewith served upon you, within 20 days after service of this summons upon
 you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you
 for the relief demanded in the complaint. You are also required to file your answer to the complaint in
 the office of the Clerk of this court at Pittsfield either before service upon plaintiff's attorney or with-
 in a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim
 which you may have against the plaintiff which arises out of the transaction or occurrence that is the
 subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any
 other action.

Witness, ROBERT L. STEADMAN, Esquire at Pittsfield, the 1st day
 of April, in the year of our Lord ~~one thousand nine hundred and~~ two thousand four

Richard S. Caplan
 CLERK.

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
 (1) - TORT - (2) MOTOR VEHICLE TORT - (3) CONTRACT - (4) - EQUITABLE RELIEF - (5) - OTHER

NOTICE TO DEFENDANT—You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

COMMONWEALTH OF MASSACHUSETTS
BERKSHIRE, ss. SUPERIOR COURT
CIVIL ACTION

No.

Michael A. Deep, Plaintiff(s).

City of North Adams; John Barrett, Mayor; North Adams Planning Board; Michael Leary; Paul Hopkins; William Schrade; Joseph Gniadek; Paul Senecal; David Babcock; Edna Rudnick; Kyle Hanlon; & Wayne Wilkinson as Members of the North Adams Planning Board, & Katherine Eade, Administrative Officer of the City of North Adams, Defendant(s).

SUMMONS

(Mass. R. Civ. P. 4)

19

PLEASE PLACE DATE YOU MAKE SERVICE ON DEFENDANT IN THIS BOX ON THE ORIGINAL AND ON COPY SERVED ON DEFENDANT.

Deputy Sheriff

Deputy Sheriff, Ronald P. Clark

I hereby certify and return that on 4/12/2004 at 6:00PM I served a true and attested copy of the Summons & Verified Complaint in this action in the following manner: To wit, by delivering in hand to Michael Leary at 10 Main Street, North Adams, MA 01247. Attestation (\$5.00), Conveyance (\$4.50), Postage & Handling (\$1.00), Service Fee (\$30.00), Travel (\$20.48) Total Charges \$60.98

April 13, 2004

Berkshire County Sheriff's Office • Judicial Process Division
467 Cheshire Rd. • Pittsfield, MA 01201 • (413) 443-6841



PROOF OF SERVICE OF PROCESS